

FILED
1/11/2024
JXM
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NICHOLAS MECHLING AND
CHRISTOPHER MECHLING,

Case No.: 1:23-cv-05282

Plaintiffs,

Judge Andrea R. Wood

v.

Magistrate Judge Young B. Kim

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE "A",

Defendants.

DEFENDANT'S MOTION TO DISMISS

1. I am the owner of eBay account in the name of *ma-shash-hpmeq1rlv7*, account id number *1998829807*, one of the defendants in this case.
2. My name is Shaked Makbili. I am a 25-year-old engineering student and Muay Thai personal trainer based in Israel.
3. On August 2022, I ordered a pair of Muay Thai shorts from the company ActionZone through their online site. The company is located in Bangkok and is well known as a quality retailer of authentic Muay Thai gear (Exhibit 2 & 3 – Seller website & Google seller page).
4. Seller's order summary is presented in Exhibit 4.
5. PayPal transaction details for the order is shown in Exhibit 5.
6. A photo showing the full order, which included personal Muay Thai Training equipment such as 1 pair of gloves, 1 pair of kicking pads, etc., is shown in Exhibit 6. Photo taken by seller and sent via WhatsApp.
7. One of the items in the order was training shorts from the "Twins Special" brand, a Muay Thai clothing and equipment brand founded in 1991 in Thailand (Exhibit 1 – Brand Wikipedia page). As the shorts didn't fit me, I resold them through my personal eBay account for net profit of 74.42 USD. (Exhibit 9)
8. I sold the item on July 18, 2023, and proceeded to ship it to the address of "Julia Roberts, Chicago, IL" (Full address was later deleted from account) (Exhibit 10) – Later discovered to be the plaintiff's attorney address.
9. The ebay account that was used to list and sell the shorts, is my personal eBay account, used mainly to buy off eBay marketplace, and was occasionally used to sell personal items. The first item that was sold by me in this acccout was November 2021. Total revenue from all sales on eBay platform, including taxes and fees, is 380.02 USD. (Exhibit 7)

10. On September 18, 2023, I received notice via email by Keith A. Vogt, Attorneys for Plaintiffs Nicholas Mechling and Christopher Mechling that I am being sued for trademark/copyright infringement and counterfeiting in a Chicago court. I was sent a copy of the complaint as well as a temporary restraining order, summons, preliminary injunction motion, notice of motion, and memorandum in support. The PayPal account associated with my email address was frozen, including all of my funds inside.
11. I sent a response on September 19, expressing my intent to cooperate and resolve the matter and provide any needed documentation. On September 26, they responded with an offer to consider a settlement. The evidence of the infringing product they shared was a screenshot of my eBay store, showing a listing of a T-shirt I never sold, of a different Thai brand named "Raja" (Exhibit 11).
12. On September 28, I again replied that I believed there was an error in including my eBay store in the lawsuit, as I believe my listing involved a genuine product, and requesting removal of my store from the lawsuit.
13. On Oct. 23, A month later, I received additional correspondence from the attorney including a screenshot of their purchase of my shorts. On November 7, they asked to settle for 5,000 USD. They followed up asking again for 5,000 USD on November 27. I did not respond to this letter. On Dec. 19, they sent an email claiming that I did not respond, hence they filed for a motion of default judgement, scheduled for next month, Jan. 19.
14. It is obviously wrong claiming that I didn't respond to the plaintiffs' attorney emails. I immediately defended the plaintiffs' claims and responded to the plaintiffs' emails as described. The plaintiffs' attorney did not show any evidence that the item was counterfeit.
15. Even in the unlikely case the item that I sold was counterfeit, I did not sell any items of the "Twins" company besides the one item that was bought by the plaintiffs' attorney, hence I claim Lack of Intent.
16. Considering the above, the plaintiffs are not eligible for asking court for default judgment. In similar cases, the plaintiffs' were allegedly committing a fraud on the court.
17. Hereby I ask the Judge to give a motion to dismiss with prejudice.

I certify that everything in the Motion is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

DATED: January 11, 2024

Respectfully submitted,

/s/ Shaked Makhili

Hama'aracha 22

Tel Aviv, Israel 6706424

Tel: +972-58-455-0005 E-

shaked614@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2024, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, I will electronically publish the documents on a website, and I will send an e-mail to the e-mail address provided for plaintiffs' attorney.

/s/ Shaked Makbili

Shaked Makbili

Exhibit 1

Twins Special

[Article](#) [Talk](#)

[Read](#) [Edit](#) [View history](#) [Tools](#)

From Wikipedia, the free encyclopedia

Twins Special Co.,Ltd., also known as **Twins Special** is a Thai [sports equipment](#) manufacturing company, focused on [Muay Thai](#), [boxing](#), and [physical fitness](#), which markets its products worldwide. The company based on Suan Luang, [Krathum Baen](#), [Samut Sakhon](#), [outskirts Bangkok](#).

Twins Special was founded in 1992 from a small shophouse to a standard factory with over 500 workers. To this day, it produces more than ten thousand boxing gloves and exports to foreign countries a month. In 1990s, it subsequently sponsored [Samson Dutch Boy Gym](#), [Ratanapol Sor Vorapin](#), [Sirimongkol Singmanasak](#), [Pongsaklek Wonjongkam](#), including many Thai boxers.

The company is also licensed as a boxing glove for competitions of four major organizations, consists of [World Boxing Council](#) (WBC), [World Boxing Association](#) (WBA), [International Boxing Federation](#) (IBF), and [World Boxing Organization](#) (WBO).^[2]

One point of Twins Special is the production of boxing gloves and trunks in a variety of colours and patterns to attract people of all genders and ages, such as children or women, to become more interested in [combat sports](#).

It currently has four outlets in total: Suan Luang, Krathum Baen, Samut Sakhon (headquarters), [Rajadamnern Boxing Stadium](#), Bangkok, [Lumpinee Boxing Stadium](#), Bangkok, and Suan Luang Square in the [Suan Luang](#) quarter near [National Stadium](#), Bangkok.^{[1][3]}

See more [\[edit \]](#)

- [Fairtex](#)

Twins Special



Type	Limited
Industry	Sports equipment Textile
Founded	1992; 32 years ago in Krathum Baen , Samut Sakhon
Founder	Narong Wongprasertkan
Headquarters	Krathum Baen , Samut Sakhon , Thailand
Area served	Worldwide
Key people	Narong Wongprasertkan (President) Pravinwat Wongprasertkan (CEO) ^[1]
Products	Boxing gloves and equipment, clothing
Website	twinspecial.com ↗

Exhibit 2

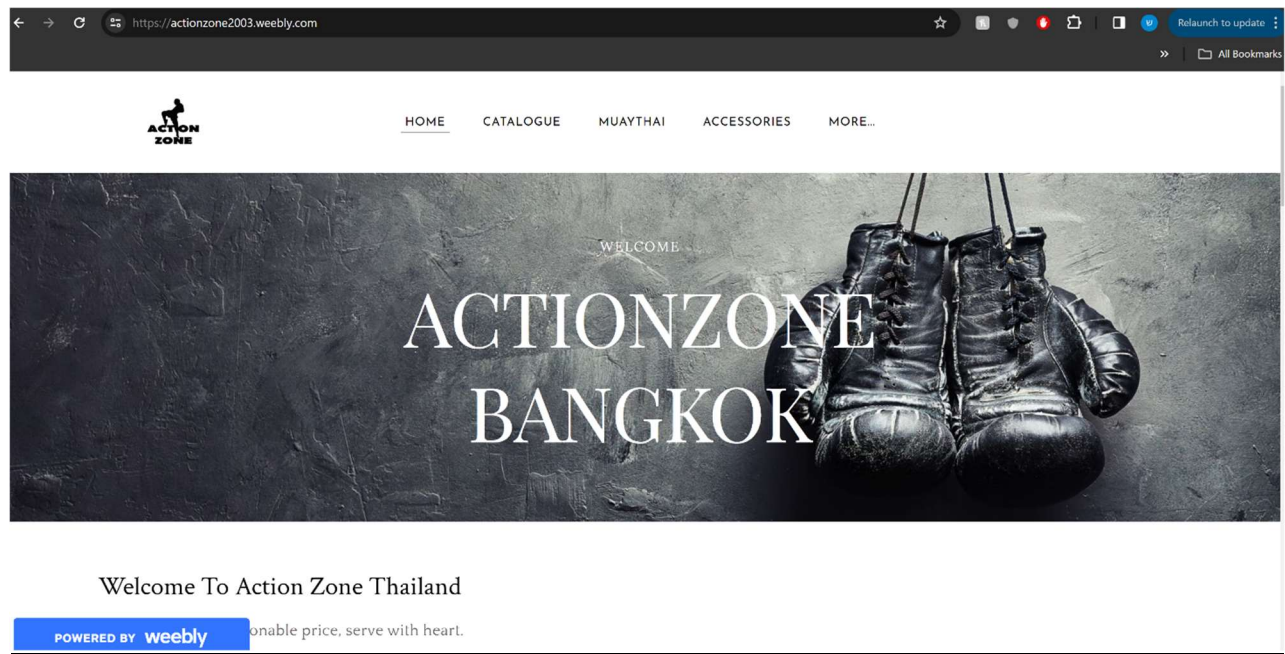
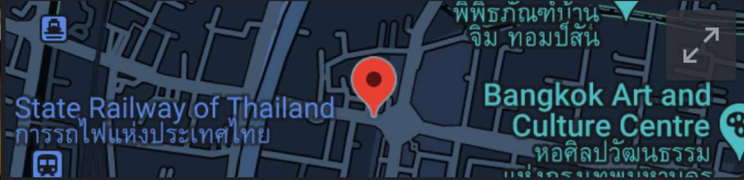
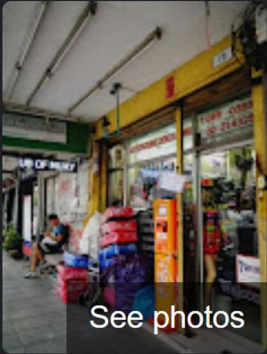


Exhibit 3



[See photos](#)[See outside](#)

Action Zone

4.7 ★★★★★ 340 Google reviews

Sporting goods store in Bangkok, Thailand

[Website](#)[Directions](#)[Save](#)[Call](#)

Informal sports store selling Muay Thai gloves, head gear & pads, plus athletic attire.

Address: 78 Rama I Rd, Rong Muang, Pathum Wan, Bangkok 10330, Thailand

Hours: Closed · Opens 8 am Fri ▼

Phone: +66 2 214 3250

[Suggest an edit](#) · [Own this business?](#)

Exhibit 4

Shaked					16/08/2022	ordered
TW	Shorts	L	T-158		1 950	950
		L	TBS-SKULL		1 1000	1000
FT	Shorts	M	BS1906		1 960	960
		M	BS1901		1 960	960
	Focus Mitts	STD	FMV13	RD/BK	1 2490	2490
RAJA	Gloves leather	14 oz	RBGV-1	dark green	1 1700	1700
	Belly Pad Leather	M	RBP-1A	red	1 1500	1500
	shirt #2	M		black	1 450	450
	shorts	L	Leopard	black	1 500	500
	bag glove velcro	M	RTBG-2	sky blue	1 1100	1100
					total	11610
					discount	2000
					AIR	4850
					Grand Total	14460
					Paid	7,160
					the rest	7,300

Exhibit 5

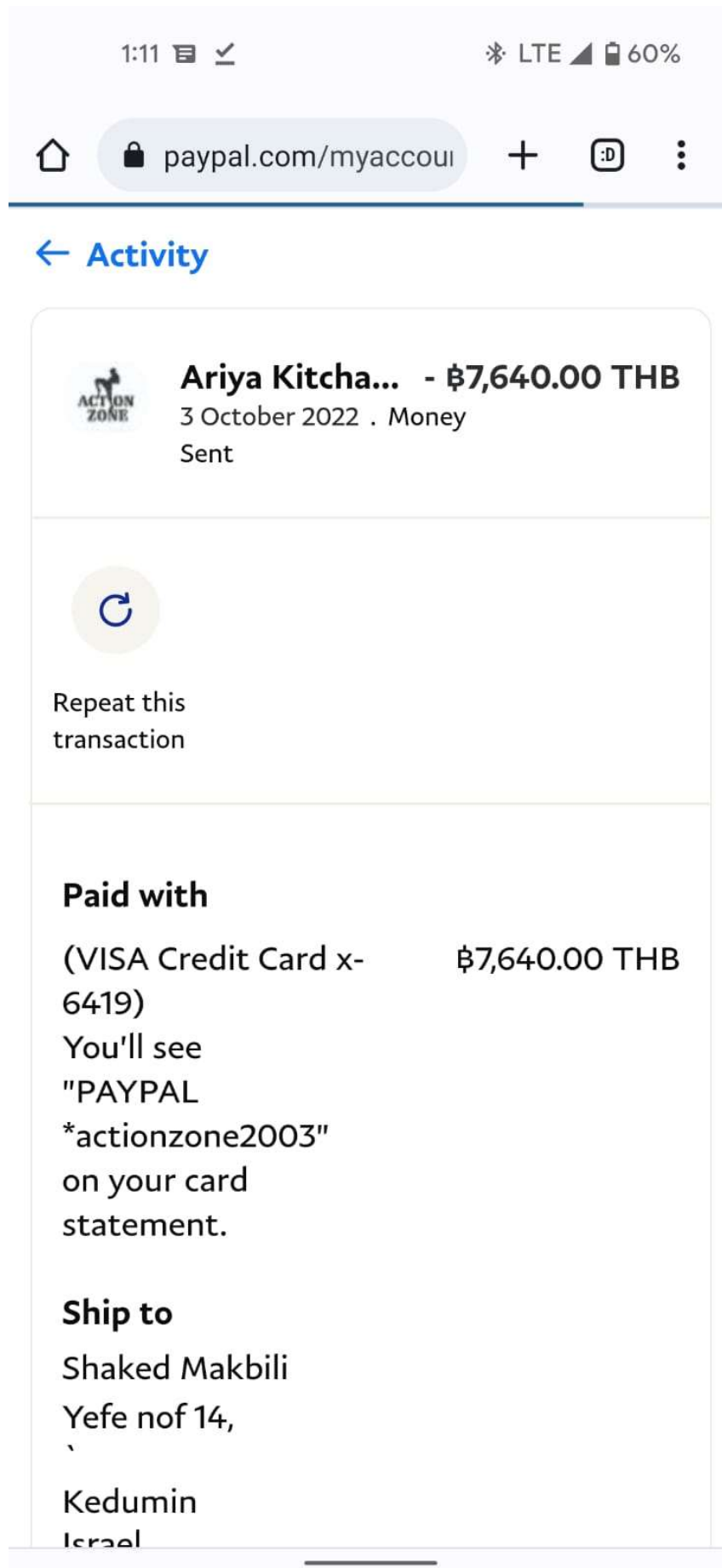


Exhibit 6



Exhibit 7

 We can only show you 365 days of data. We adjusted the end date accordingly.

Sales:

Compared to:

Custom

Custom

01/04/2021

01/03/2022

01/04/2021

Compared to end date: 01/03/2022

Generate Report

Reset

Report for Jan 4, 2021 - Jan 3, 2022

Compared to Jan 4, 2021 - Jan 3, 2022 (365 days)

Download 

Total sales (Includes taxes) ⓘ	Taxes and fees ⓘ	Selling costs ⓘ	Net sales (Net of taxes and selling costs) ⓘ
\$180.20	\$0.00 \$10.20	\$29.25	\$140.75
0.0% vs. prior time period	Collected by seller Collected by eBay	16.2% of your total sales	0.0% vs. prior time period
Quantity sold ⓘ	Avg. sales price per item	Sales via Auction ⓘ	Sales via Fixed Price ⓘ
1	\$180.20	\$0.00	\$180.20
0.0% vs. prior time period	0.0% vs. prior time period	0.0% vs. prior time period	0.0% vs. prior time period

Buyer insights

Compared to the prior time period

Total buyers ⓘ	Breakdown ⓘ	Percent of total
1	One-time buyers: 1	100.0%
▼ 0.0%	▼ 0.0%	
	Repeat buyers: 0	0.0%
	▼ 0.0%	

Sales by category

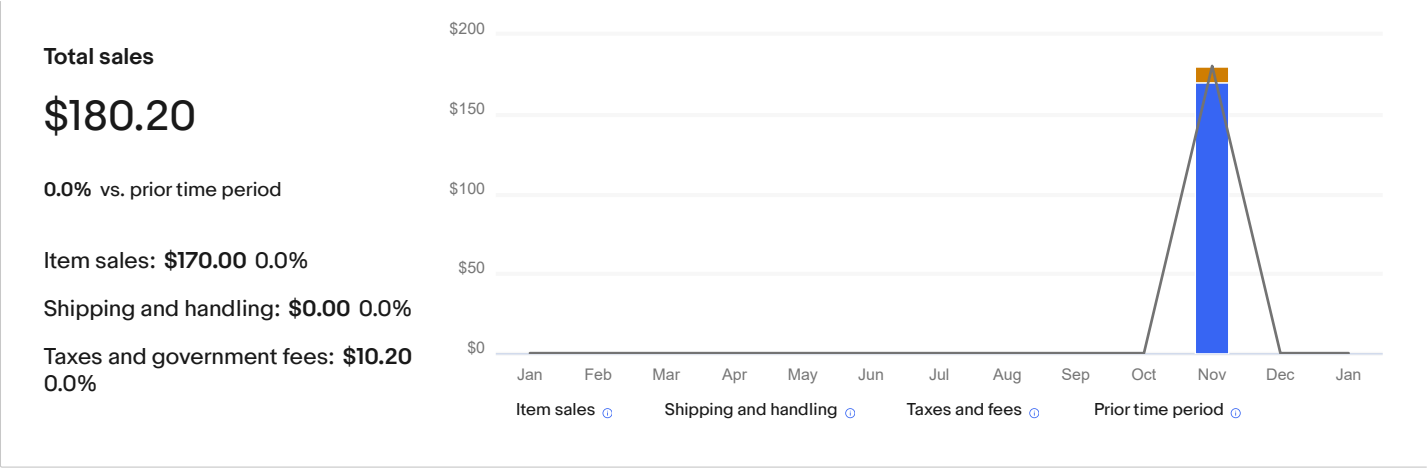
Compared to the prior time period

Download all sales by category as CSV

Top Categories	Expand all ⓘ	Sales ⓘ	Percentage of sales ⓘ
> Cell Phones & Accessories		\$180.20 ▼ 0.0%	100.00%
Cell Phones & Accessories > Cell Phones & Smartphones			

You are viewing category-specific insights that may not reflect your overall sales performance. All-inclusive, cross-category reporting, is available in the buyer insights section. [See your buyer insights](#)

All sales Promoted listings sales Offer sales



Selling costs	Breakdown	Amount	Percent of selling cost
\$29.25	▼ eBay fees	\$25.26	86.4%
16.2% of your total sales	Insertion fees	\$0.00	0.0%
0.0% pts vs. prior time period	Final value fees ⓘ	\$30.16	103.1%
	International fees ⓘ	\$2.34	8.0%
	Transaction fee credits	(\$7.24)	-24.8%
	ⓘ Shipping labels ⓘ	\$0.00	0.0%
	PayPal fees	\$3.99	13.6%
	Total selling costs ⓘ	\$29.25	100.0%

Listings insights

Download ▼

Sold via Promoted listings (0)

Sold via Best offer (1)

Sold via Seller initiated offer (0)

Search by Item Title, Keywords 🔍

Listing	Quantity sold ▼	Total sales ↕ ⓘ	Taxes and government fees	Total selling ⓘ cost	Net sales
<u>Apple iPhone SE 2nd Gen. - 64GB - Black (AT&T) (124973146608)</u>	1	\$180.20	\$10.20	\$25.26	\$144.74

Items per page: 25 ▼

i We can only show you 365 days of data. We adjusted the end date accordingly.

Sales:

Compared to:

Custom

Custom

01/04/2022

01/03/2023

01/04/2021

Compared to end date: 01/03/2022

Generate Report

Reset

Report for Jan 4, 2022 - Jan 3, 2023

Compared to Jan 4, 2021 - Jan 3, 2022 (365 days)

Download ▼

<div>Total sales (Includes taxes) ⓘ</div> <div>\$101.70</div> <div>▼ 43.6% vs. prior time period</div>	<div>Taxes and fees ⓘ</div> <div><div>\$0.00</div><div>\$5.70</div></div> <div>Collected by seller Collected by eBay</div>	<div>Selling costs ⓘ</div> <div>\$18.74</div> <div>18.4% of your total sales</div>	<div>Net sales (Net of taxes and selling costs) ⓘ</div> <div>\$77.26</div> <div>▼ 45.1% vs. prior time period</div>
<div>Quantity sold ⓘ</div> <div>1</div> <div>0.0% vs. prior time period</div>	<div>Avg. sales price per item</div> <div>\$101.70</div> <div>▼ 43.6% vs. prior time period</div>	<div>Sales via Auction ⓘ</div> <div>\$0.00</div> <div>0.0% vs. prior time period</div>	<div>Sales via Fixed Price ⓘ</div> <div>\$101.70</div> <div>▼ 43.6% vs. prior time period</div>

Buyer insights

Compared to the prior time period

Total buyers ⓘ	Breakdown ⓘ	Percent of total
1	One-time buyers: 1	100.0%
▼ 0.0%	▼ 0.0%	
	Repeat buyers: 0	0.0%
	▼ 0.0%	

Sales by category

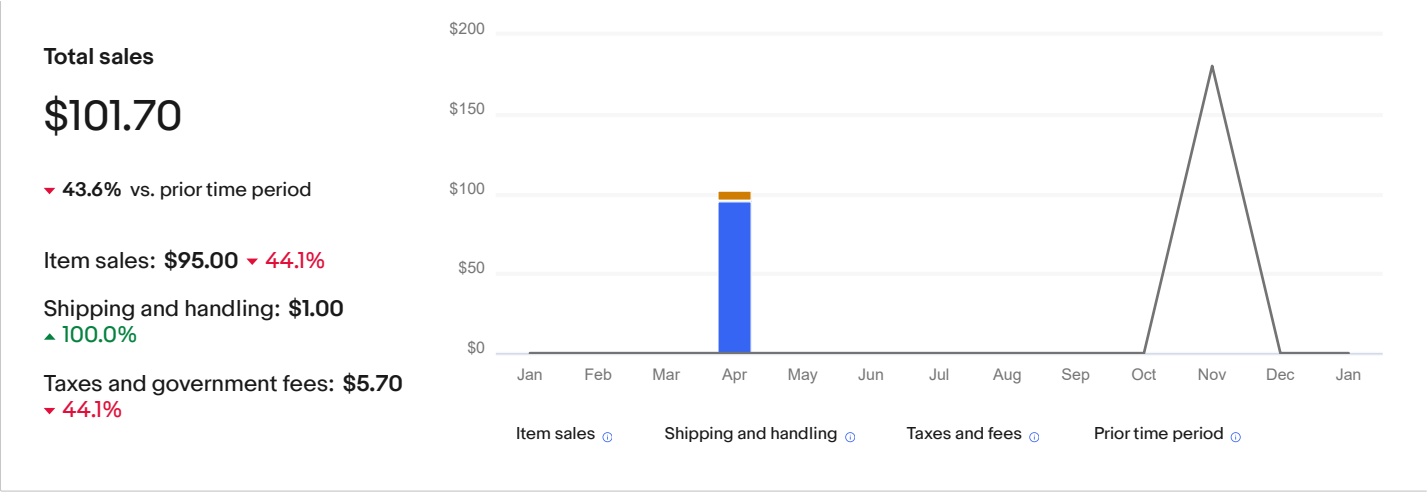
Compared to the prior time period

Download all sales by category as CSV

Top Categories	Expand all ⓘ	Sales ⓘ	Percentage of sales ⓘ
> Collectibles		\$101.70 ▲ 100.0%	100.00%
Collectibles > Transportation > Aviation > Airlines > Southwest			

You are viewing category-specific insights that may not reflect your overall sales performance. All-inclusive, cross-category reporting, is available in the buyer insights section. [See your buyer insights](#)

All sales Promoted listings sales Offer sales



Selling costs	Breakdown	Amount	Percent of selling cost
\$18.74	▼ eBay fees	\$18.74	100.0%
18.4% of your total sales	Insertion fees	\$0.00	0.0%
▼ 2.2% pts vs. prior time period	Optional listing upgrade fees	\$4.00	21.3%
	Final value fees ⓘ	\$13.42	71.6%
	International fees	\$1.32	7.0%
	ⓘ Shipping labels ⓘ	\$0.00	0.0%
	Total selling costs ⓘ	\$18.74	100.0%

Listings insights


Download ▼

Sold via Promoted listings (0)

Sold via Best offer (0)

Sold via Seller initiated offer (0)

Search by Item Title, Keywords

Listing	Quantity sold ▼	Total sales ▼ ⓘ	Taxes and government fees	Total selling ⓘ	Net sales
 <div>Southwest airlines Luv card \$\$\$ 150\$ (125243886718)</div>	1	\$101.70	\$5.70	\$18.74	\$77.26

Items per page:

25 ▼

 We can only show you 365 days of data. We adjusted the end date accordingly.

Sales:

Custom

01/03/2023

Compared to:

Custom

01/01/2022

Compared to end date: 12/31/2022

Generate Report

Reset

Report for Jan 3, 2023 - Jan 2, 2024

Compared to Jan 1, 2022 - Dec 31, 2022 (365 days)

Download 

Total sales (Includes taxes) ⓘ	Taxes and fees ⓘ	Selling costs ⓘ	Net sales (Net of taxes and selling costs) ⓘ
\$98.12	\$0.00 \$9.12	\$14.58	\$74.42
▼ 3.5% vs. prior time period	Collected by seller Collected by eBay	14.9% of your total sales	▼ 3.7% vs. prior time period

Quantity sold ⓘ	Avg. sales price per item	Sales via Auction ⓘ	Sales via Fixed Price ⓘ
1	\$98.12	\$0.00	\$98.12
0.0% vs. prior time period	▼ 3.5% vs. prior time period	0.0% vs. prior time period	▼ 3.5% vs. prior time period

Buyer insights

Compared to the prior time period

Total buyers ⓘ	Breakdown ⓘ	Percent of total
1	One-time buyers: 1	100.0%
▼ 0.0%	▼ 0.0%	
	Repeat buyers: 0	0.0%
	▼ 0.0%	

Sales by category

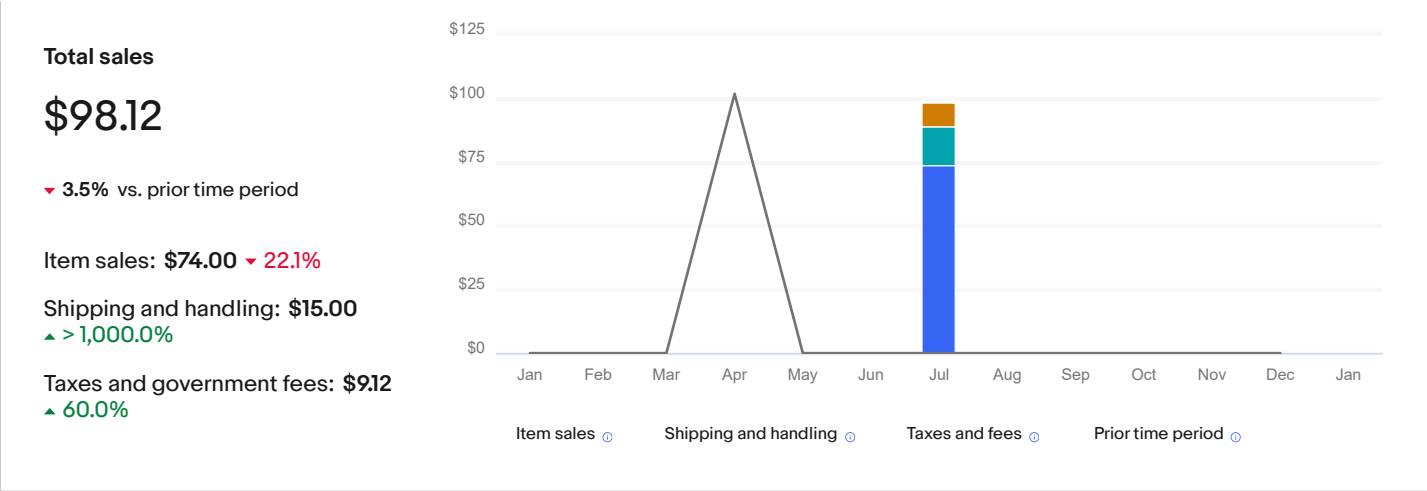
Compared to the prior time period

Download all sales by category as CSV

Top Categories	Expand all ⓘ	Sales ⓘ	Percentage of sales ⓘ
> Sporting Goods		\$98.12 ▲ 100.0%	100.00%
Sporting Goods > Boxing, Martial Arts & MMA > Clothing, Shoes & Accessories > Shorts			

You are viewing category-specific insights that may not reflect your overall sales performance. All-inclusive, cross-category reporting, is available in the buyer insights section. [See your buyer insights](#)

All sales Promoted listings sales Offer sales



Selling costs	Breakdown	Amount	Percent of selling cost
\$14.58	▼ eBay fees	\$14.58	100.0%
14.9% of your total sales	Insertion fees	\$0.00	0.0%
▲ 3.6% pts vs. prior time period	Final value fees ⓘ	\$13.30	91.2%
	International fees	\$1.28	8.8%
	ⓘ Shipping labels ⓘ	\$0.00	0.0%
	Total selling costs ⓘ	\$14.58	100.0%

Listings insights

Download ▼

Sold via Promoted listings (0)

Sold via Best offer (0)

Sold via Seller initiated offer (0)

Search by Item Title, Keywords 🔍


Listing	Quantity sold ▼	Total sales ▲ ⓘ	Taxes and government fees	Total selling ⓘ cost	Net sales
Twins Special Muay Thai Shorts - t-158 - L (125622034551)	1	\$98.12	\$9.12	\$14.58	\$74.42

Items per page: 25 ▼

Exhibit 8

Your financial summary

[Learn how you get paid](#)

 Your payouts are currently on hold because your eBay account is restricted. Please go to [Messages](#) in My eBay for information about your account status.

Your total funds



\$0.00 >

[Manage your listings](#)

Recent activity

[See all](#)

No recent activity in last 90 days

Payouts and charges

Payouts >

No payouts within the last 90 days

Charges and payments >

No charges or payments within the last 90 days



Exhibit 9

Transactions: 1-2 of 2

☐ Hide listing fees



Date	Description	Amount	Fees	Net	Total funds	Details
Aug 1, 2023 4:18:24 PM	 Payout 5973414367 \$74.42 to Payoneer ID 47440095 Scheduled payout <ul style="list-style-type: none">Funds sent Funds usually arrive within the day	-	-	-\$74.42	\$0.00	View
Jul 18, 2023 10:53:00 AM	 Order 15-10303-49664 Twins Special Muay Thai Shorts - t-158 - L Julia Roberts (2010sophyljiang) <ul style="list-style-type: none">Completed	\$89.00	-\$14.58	\$74.42	\$74.42	View

Exhibit 10**Order details****Twins Special Muay Thai Shorts - t-158 - L****Delivered on Aug 9**

Great! Your order was delivered.

[View payment details](#)**Buyer paid**

Jul 18

**Shipped**

Jul 23

**Delivered**

Aug 9

Shipping

Ship to

--

--

Chicago, IL 60604-4149
United StatesBuyer selected shipping service
Flat Rate FreightTracking
LX084324808IL**Item**

Twins Special Muay Thai Shorts - t-158 - L

Item ID: 125622034551

Tracking LX084324808IL

Quantity

1

Price

\$74.00

Total

\$74.00

Order

Order no.	15-10303-49664
Sales record no.	103
Date sold	Jul 18, 2023
Date buyer paid	Jul 18, 2023
Buyer	-- 2010sophyljiang (65)

[Hide contact info](#) ^[E-mail](#) --

Phone --

Payment

This order is complete and we've made the funds available for payout.
[Learn how you get paid](#)

What your buyer paid

Item subtotal	\$74.00
Shipping	\$15.00
Sales tax*	\$9.12
Order total**	\$98.12

Exhibit 11

Shop by category


All Categories

Search

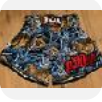
Advanced

[Back to previous page](#) | Listed in category: [Sporting Goods](#) > [Boxing, Martial Arts & MMA](#) > [Clothing, Shoes & Accessories](#) > [Shorts](#)[Share](#) | [Add to Watchlist](#)


People who viewed this item also viewed




Raja Muay Thai MMA Boxing Shorts
New L/XL Or XXL
\$34.99
+ \$4.65 shipping



Raja Muay Thai MMA Boxing Shorts
New L/XL Or XXL
\$34.99
+ \$4.65 shipping



Muay Thai Shorts Rappers RAJA
BOXING Shorts Unisex Original
Form Thailand XXL
\$30.99
+ \$9.00 shipping



Raja Muay Thai T-Shirt

Condition: New with tags

Price: **US \$30.00**

[Buy It Now](#)

[Add to cart](#)

Best Offer:

[Make offer](#)

[Add to watchlist](#)

Shipping: **US \$15.00 Flat Rate Freight.** [See details](#)
International shipment of items may be subject to customs processing and additional charges. Located in: Tel aviv, Israel

Delivery: Please allow additional time if international delivery is subject to customs processing.

Returns: Seller does not accept returns. [See details](#)

Payments:

PayPal CREDIT
Special financing available. [See terms and apply now](#)

Earn up to 5x points when you use your eBay Mastercard®. [Learn more](#)

Shop with confidence

eBay Money Back Guarantee
Get the item you ordered or your money back. [Learn more](#)

Seller information
[ma-shash-hpmeqlrv7](#) (22 ★)


[Save seller](#)

[Contact seller](#)

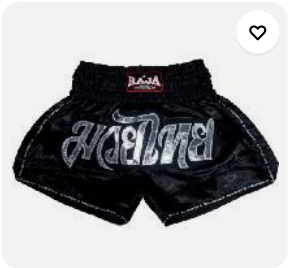
[See other items](#)

Similar sponsored items [See all](#)


[Feedback on our suggestions](#)




RAJA BOXING MUAY THAI SHORTS
STYLE KICKBOXING MMA TIGER
BLACK
New
\$32.99
Free shipping
Seller with a 100% positive feedback




RAJA BOXING MUAY THAI SHORTS
STYLE KICKBOXING MMA TIGER
BLACK
New
\$32.99
Free shipping
Seller with a 100% positive feedback




Muay Thai MMA kickboxing Singlet
Vest White Tank Tops T Shirt made in
Thailand
New (Other)
\$19.99
+ \$9.99 shipping
Seller with a 100% positive feedback



InfightStyle Mono Nylon Lotus Retro
Muay Thai Kickboxing Training Gym
Shorts
New (Other)
\$29.99
+ \$7.00 shipping
Seller with a 100% positive feedback



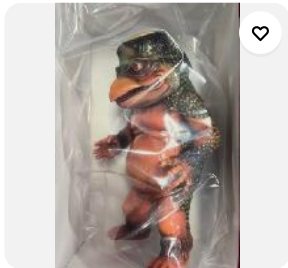
Muay Thai MMA kickboxing Singlet
Vest White Tank Tops T Shirt made in
Thailand
New (Other)
\$19.99
+ \$9.99 shipping
Seller with a 100% positive feedback




Ult Muay Thai MMA kickboxing Singlet
Vest White Tank Tops T Shirt made in
Thailand
New (Other)
\$3
Fre

Sponsored items inspired by your views [See all](#)

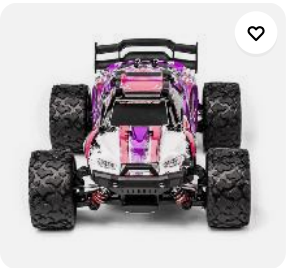
[Feedback on our suggestions](#)




siccaluna Kappa-sama Sofubi Soft vinyl
Figure Shikaruna monster yokai JP
New
\$283.91
~~\$308.91~~ 8% off
Free shipping
Seller with a 100% positive feedback




Cada 4WD Off-Road Remote Control
Car Building Blocks City Racing Car RC
Buggy Tr
New
\$105.91
Free shipping
Seller with a 100% positive feedback




RC Car HS 18323 1/18 2.4G 4WD
36km/h RC Car Big Foot Off Road
Truck RTR Vehicle
New
\$98.14
Free shipping
Seller with a 100% positive feedback



Hot Wheels Toybeat Monster Jam Blue
Thunder Diecast Monster Truck Bulk
New
\$9.99
Free shipping
14 watchers



Inertial Four-wheel Drive Off-road
Vehicle Rotating Climbing Car Model
New
\$8.81
Free shipping



Ine Ve
New
\$8
Fre

[About this item](#)

[Shipping, returns, and payments](#)

[Report this item](#)

Seller assumes all responsibility for this listing.

Last updated on Nov 27, 2022 05:51:03 PST [View all revisions](#)

eBay item number: 125622003494

Item specifics

Condition	New with tags: A brand-new, unused, and unworn item (including handmade items) in the original packaging (such as the original box or bag) and/or with the original tags attached. See all condition definitions	Brand	Raja
Size	M	Color	Black
Custom Bundle	No	Gender	Adult Unisex
Country/Region of Manufacture	Thailand	Suitable For	Muay Thai
Modified Item	No		

Item description from the seller

Exclusive Raja Muay Thai t-shirt
Size M (Raja Thai sizing)
NWT



ma-shash-hpmeq1rlv7

4 Items sold

Seller's other items

Contact

Save seller

Seller feedback (2)

m***r (692) • More than a year ago

Great communication. A++++ Ebayer!

Southwest airlines Luv card \$\$\$ 150\$ (#125243888718)

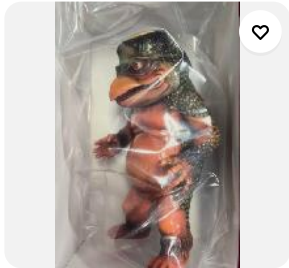
p***i (1649) • More than a year ago

Great seller, pleasure to do business, thank you for a smooth transaction!

Apple iPhone SE 2nd Gen. - 64GB - Black (AT&T) (#124973146608)

See all feedback

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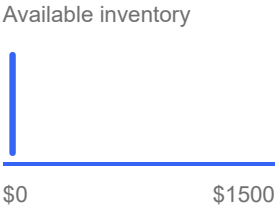
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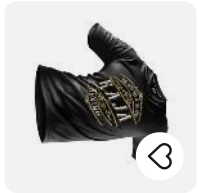
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